

Rethinking Equity in Transportation Planning

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Title VI

1964 Civil Rights Act – Title VI

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (excerpt)

WHAT IS ENVIRONMENTAL JUSTICE?

There are three fundamental environmental justice principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

IS ENVIRONMENTAL JUSTICE A NEW REQUIREMENT?

- No.

The recipients of Federal-aid have been required to certify and the U.S. DOT must ensure nondiscrimination under Title VI of the Civil Rights Act of 1964 and many other laws, regulations, and policies. In 1997, the Department issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.

HOW DOES ENVIRONMENTAL JUSTICE IMPROVE TRANSPORTATION DECISION MAKING?

- Environmental justice is more than a set of legal and regulatory obligations. Properly implemented, environmental justice principles and procedures improve all levels of transportation decision making. This approach will:
 - Make better transportation decisions that meet the needs of all people.
 - Design transportation facilities that fit more harmoniously into communities.

HOW DOES ENVIRONMENTAL JUSTICE IMPROVE TRANSPORTATION DECISION MAKING?

- Enhance the public-involvement process, strengthen community-based partnerships, and provide minority and low-income populations with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations.
- Partner with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities.
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HOW DOES ENVIRONMENTAL JUSTICE IMPROVE TRANSPORTATION DECISION MAKING?

- Avoid disproportionately high and adverse impacts on minority and low-income populations.
- Minimize and/ or mitigate unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.

TITLE VI AND ENVIRONMENTAL JUSTICE ADDRESS WHICH GROUPS?

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. The Office of Management and Budget (OMB) issued Policy Directive 15, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, in 1997, establishing five minimum categories for data on race. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following groups:

TITLE VI AND ENVIRONMENTAL JUSTICE ADDRESS WHICH GROUPS?

Black - a person having origins in any of the black racial groups of Africa.

Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

American Indian and Alaskan Native - a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Native Hawaiian or Other Pacific Islander - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-Income - a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines

DO TITLE VI AND ENVIRONMENTAL JUSTICE APPLY TO ALL TRANSPORTATION DECISIONS?

Yes.

Concern for environmental justice should be integrated into every transportation decision - from the first thought about a transportation plan to post-construction operations and maintenance. The *U.S. DOT Order* applies to all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components:

DO TITLE VI AND ENVIRONMENTAL JUSTICE APPLY TO ALL TRANSPORTATION DECISIONS?

- Policy Decisions.
- Systems Planning.
- Metropolitan and Statewide Planning.
- Project Development and Environmental Review under NEPA.
- Preliminary Design.
- Final Design Engineering.
- Right-of-Way.
- Construction.
- Operations and Maintenance.

HOW CAN TRANSPORTATION PARTNERS AND THE PUBLIC SUPPORT TITLE VI AND ENVIRONMENTAL JUSTICE?

Federal agencies, State DOTs, Metropolitan Planning Organizations (MPOs), and transit providers advance Title VI and environmental justice by involving the public in transportation decisions. Effective public involvement programs enable transportation professionals to develop systems, services, and solutions that meet the needs of the public, including minority and low-income communities. There are many excellent examples of transportation initiatives that successfully integrate environmental justice principles. Partners and stakeholders can use these successes to champion the opportunities and responsibilities that Title VI and environmental justice present.

State DOTs

- are at the heart of planning, design, construction, and operations and maintenance projects across all travel modes. They allocate resources from various Federal-aid programs. State DOTs successfully integrate Title VI and environmental justice into their activities when they:
- Develop the technical capability to assess the benefits and adverse effects of transportation activities among different population groups and use that capability to develop appropriate procedures, goals, and performance measures in all aspects of their mission.

State DOTs

- Ensure that State Transportation Improvement Program (STIP) findings of statewide planning compliance and NEPA activities satisfy the letter and intent of Title VI requirements and environmental justice principles.
- Enhance their public-involvement activities to ensure the meaningful participation of minority and low-income populations.
- Work with Federal, State, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.

MPOs

- serve as the primary forum where State DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address a metropolitan area's needs. MPOs can help local public officials understand how Title VI and environmental justice requirements improve planning and decision making. To certify compliance with Title VI and address environmental justice, MPOs need to:
- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.

MPOs

- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

The Public

- Transportation agencies cannot fully meet community needs without the active participation of well-informed, empowered individuals, community groups, and other nongovernmental organizations such as businesses and academic institutions. These individuals and groups advance the letter, spirit, and intent of Title VI and environmental justice in transportation when they:
- Participate in public involvement activities (meetings, hearings, advisory groups, and task forces) to help responsible State and local agencies understand community needs, perceptions, and goals.
- Get involved with State and local agencies to link TEA-21 programs with other Federal, State, and local resources to fund projects that support community goals.

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